



MALTA

COURT OF MAGISTRATES
(GHAWDEX) AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE DR.
NEVILLE CAMILLERI

Sitting of the 1 st July, 2014

Number 9/2011

The Police
(Inspector Frank Anthony Tabone)

vs.

Aleksandr Prokoptsuk

Number: 9/2011

Today 1st. of July 2014

The Court,

Having seen the charges brought against **Aleksandr Prokopstuk**, twenty four (24) years, son of Mihail and Tamara neé Himach, born in Haapsalu, Estonia, date of birth 28th. August, 1986, whilst in Malta at Flat 3, Triq il-Qolla s-Safra, Marsalforn, limits of Zebbug, Gozo, holder of Estonian Passport No. V1082331 and Estonian Identity Card No. B0211138, accused with having on the night between the 17th and 18th December 2010 at about 02.30hrs, in Marsalforn limits of Zebbug, Gozo:

- a. caused grievous injuries to the persons of Coronato Portelli (ID No. 51061G), Joseph Portelli (ID No. 5188G) and Paul Camilleri (ID No. 9019A) as certified by Dr. Peter Muscat MD and Dr. J. Galea MD;
- b. on the same date, time and circumstances willfully disturbed the public good order or the public peace;
- c. on the same date, time and circumstances wilfully caused damage to the property of Paul Camilleri (ID No. 9019A);
- d. being a recidivist by a judgment from the Court of Magistrates (Gozo) which judgment has become absolute;
- e. on the same date, time and circumstances caused grievous injuries to the person of Coronato Portelli (ID No. 51061G).

Having seen the documents exhibited and all the acts of the proceedings.

Having seen what has been minuted during the sitting of the 28th. November 2013 (*a fol. 184 et seq.*), i.e.:

“Dr. Angele Agius for injured parties Coronato Portelli and Joseph Portelli declares that injured parties Coronato and Joseph Portelli are withdrawing [their] complaints against the accused and declare –

1. the injuries suffered by Coronato Portelli are of a slight nature and he is not suffering any mental or physical consequences to his health as a result of this incident;
2. injured parties declare that they would not testify and this so as not to incriminate themselves in criminal proceedings pending against them in connection with the incident.”

Having heard the evidence brought forward by the Prosecution.

Having seen the Articles of Law sent by the Attorney General on the 10th. January 2014 (*a fol.* 191):

- (a) Articles 214, 215 and 216 of the Criminal Code, Chapter 9 of the Laws of Malta;
- (b) Articles 214, 215 and 221 of the Criminal Code, Chapter 9 of the Laws of Malta;
- (c) Article 325(1)(b) of the Criminal Code, Chapter 9 of the Laws of Malta;
- (d) Article 23 of the Probation Act, Chapter 446 of the Laws of Malta;
- (e) Articles 49 and 50 of the Criminal Code, Chapter 9 of the Laws of Malta;

- (f) Articles 17, 31, 532A and 533 of the Criminal Code, Chapter 9 of the Laws of Malta.

Having seen that, during the sitting of the 20th. February 2014 (*a fol.* 194), the Articles of Law sent by the Attorney General on the 10th. January 2014 (*a fol.* 191) were read out, during which sitting the accused declared that he does not object for his case to be tried and decided summarily.

Having heard the accused declare that he will not be testifying in this case and having heard the defence declare that it has no evidence to produce in this case.

Having heard oral submissions by the involved parties.

Considers

From what has been heard by the Court, the charges brought against the accused do not result. Hence, the Court declares the accused Aleksandr Prokoptsuk not guilty of all the charges brought against him and consequently acquits him of the said charges.

< Final Judgement >

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